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Immigration Law

Shul-Navarro v. Holder, No. 13-2271

Dismissal of an appeal from an Immigration Judge's (IJ) order that would remove petitioner from the United States is vacated and remanded for further proceedings, where: 1) the finding that petitioner was not in this country prior to May 14, 2001 was in error, and is unsupported by the evidence; and 2) doubts about petitioner's credibility do not provide a sufficient basis for discounting the reliability of information sent directly by a third party health organization.

Administrative Law, Civil Procedure, Civil Rights, Labor & Employment Law

Millay v. State of Maine Department of Labor, No. 14-1134

In an action for judicial review brought pursuant to 29 U.S.C. section 722(c)(5)(J), the choice to default to the federal statute of limitations under 28 U.S.C. section 1658(a) is affirmed, where: 1) plaintiff's original state complaint was dismissed with a recommendation to amend the complaint as one for judicial review under section 722(c)(5)(J); 2) Maine has a 30-day statute of limitations for judicial review of administrative decisions, which would render the amendment futile, but the district court applied the federal 4-year statute of limitations instead; 3) section 1658 is not a constraint on the plaintiff's judicial review request as the 1998 enactment of section 722(c)(5)(J) created a new, broad remedy to disputes about specific applications of the state administrative process; and 4) as there is no explicit specific limitations period under section 722(c)(5)(J), the catch-all 4-year limitations period applies.

Immigration Law

Aldana Ramos v. Holder, No. 13-2022

A petition seeking review of an order denying petitioners asylum, withholding of removal, and protection under the Convention Against Torture (CAT), is granted in part and remanded for further proceedings, where: 1) nuclear family kinship is sufficient to constitute a particular social group qualifying as a "refugee" under 8 U.S.C. section 1158(b)(1)(A); 2) petitioners faced regular death threats; 3) the local government was unwilling or unable to control private conduct, permitting a persecution finding; 4) the record was sufficient to allow a finding that petitioners were persecuted "on account of" their family membership, and not simply their wealth; and 5) petitioners did not show

government participation or acquiescence in their father's kidnapping-murder, so their CAT claim must fail.